

REMARKS

Claims 1-17 are pending in the application. By this paper, claims 6 and 14 have been amended. No new matter is added by these amendments. Reconsideration and allowance of the claims are respectfully requested.

Allowable subject matter

According to the office action, claim 6 stands objected to as being dependent on a rejected base claim. The office action has indicated that claim 6 would be allowable if rewritten in independent form.

Accordingly, claim 6 has been rewritten in independent form and is therefore now in condition for allowance. Withdrawal of the objection to claim 6 is respectfully requested.

With respect to the Examiner's Statement of Reasons for Allowance, Applicant has interpreted this statement as a list of specific elements of claim 6 that distinguish this claim from the applied references. Applicant submits that this list represents a paraphrase of this claim and that the claim itself defines the scope of the invention. Additionally, other reasons for allowance apply with respect to claim 6. Accordingly, Applicant does not acquiesce to the reasons for allowance stated by the Examiner.

Rejection under 35 U.S.C. § 112

Claims 1, 7 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter regarded as the invention. According to the office action, the limitation of "arranging the identified search listings for display in a random order" lacks support in the Specification.

This rejection of claims 1, 7 and 10 is respectfully traversed. It is respectfully submitted that the noted recitation is supported at page 6, lines 28-30; page 35, lines 18-29 ("The N line listings appear in the N display positions in random order. The display order may be randomly selected at each display opportunity...."); and page 35,

line 18 through page 36, line 6. Thus, the recitation of "arranging the identified search listings for display in a random order" and other recitation from claims 7 and 10 are clearly defined in the specification.

Accordingly, withdrawal of the 35 U.S.C. § 112 rejection of claims 1, 7 and 10 is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-5 and 7-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent number 6,078,866 to Buck ("Buck") in view of U.S. patent number 6,377,961 to Ryu ("Ryu"). This rejection is respectfully traversed.

Independent Claims 1, 7 and 10

Independent claims 1, 7 and 10 define a method for providing a search result list. In response to a received search request from a searcher, matching listings are located in a database. Each matching listing has an associated bid for an action such as a clickthrough. As noted at page 35, lines 6-11 of the application,

Other embodiments permit more flexible selection and display of search listings among the search results provided to the searcher. These include variations which affect three dimensions: the number N of listings displayed in the provided search results; the manner of selecting which listings are displayed, and the way the selected listings are ranked or ordered for display.

The application further discloses several variations, page 35, line 18 – page 36, line 31.

Claims 1, 7 and 10 each define a different embodiment. In the method according to each of these claims, search listings which match the search request are selected for display. According to claim 1, the search listings are arranged in a random order as the search result list which is presented to the searcher. According to claim 7, the search listings are arranged in a random order weighted according to the bid amount as the search result list. According to claim 10, the search listings are arranged in a random order according to bid rank as the search result list. These processes are done automatically, for example by a search engine web server.

The prior art of record fails to disclose these limitations. Buck only teaches display of search results according to bid amount or, as Buck refers to it, subscription fee amount:

subscribers pay a monetary amount of their own choosing as a subscription fee to list a site with the listing service for a defined subscription period. The higher the amount paid for a given subscription period in relation to other listings, the higher the site's ranking on the service's search reports

Column 4, lines 13-18.

In the first case, an index search of the listing service's database is performed using keywords, and the resulting listings found are ranked according to their subscription fee values. In the second case, the subscribers' listings are assigned to appropriate categories, then when the user inputs a selection of categories of interest, the resulting listings found are ranked according to their subscription fee values.

Column 4, lines 29-39. This is consistent with the prior art technique of, for example, U.S. patent number 6,269,361. Buck thus selects search listings for display according to bid amount or subscription fee amount. However, Buck lacks the act of arranging the identified search listings for display in a random order as required by claim 1 or in a random order weighted according to the bid amount, as required by claim 7, or in a random order according to bid rank, as required by claim 10. Buck lacks any suggestion or motivation to arrange search listings in any order other than according to subscription fee amount.

The office action asserts that Buck discloses limitations of claims 7 and 10 and makes reference to Buck Figure 2B. However, it is respectfully submitted that the referenced figure is irrelevant to claims 1, 7 and 10. These claims relate to providing a search result list to a searcher. In contrast, Buck Figure 2B discloses a potential display presented to a subscriber or advertiser, not to a searcher. Buck column 6, line 48 – column 7, line 15. The display of this figure is intended to allow a subscriber or advertiser to manage his search listings including bid amounts. This display of Figure 2B is never presented in any form to a searcher. Moreover, Buck lacks any suggestion that the search listings shown in Figure 2B are arranged randomly, randomly weighted according to bid amount or randomly according to bid rank. From Figure 2, the displayed search results could also be considered to be arranged alphabetically

according to URL or according to expiration date. Figure 2B does not relate to display of search results as required by claims 1, 7 and 10.

Turning to the secondary reference, Ryu actually relates to a method for displaying internet search results which have been sorted according to geographical location. In the background section of this patent, Ryu mentions that a conventional sorting method is displaying search results in random order. However, Ryu further discloses that such a random order is not useful in solving the problem identified by this application, providing search results sorted according to geographical location. Thus, although Ryu mentions random ordering of search results, Ryu fails to actually suggest the desirability of this type of ordering. To the contrary, Ryu dismisses random ordering and adopts another type of ordering, by geographical location.

Accordingly, the prior art of record including Buck and Ryu fails to disclose all the limitations of independent claims 1, 7 and 10. The proposed combination of these references lacks any motivation. Buck and Ryu both either teach only a single, other method or actually teach away from arranging search results randomly or randomly weighted according to bid amount or randomly according to bid rank. Accordingly, independent claims 1, 7 and 10 are in condition for allowance. Claims 2-5 are dependent on claim 1; claims 8-9 are dependent on claim 7; and claims 11-12 are dependent on claim 10 and each of these dependent claims is allowable for the same reasons. Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-5 and 7-12 is respectfully requested.

Independent Claim 13

The prior art of record fails to disclose all the limitations of claim 13. Claim 13 recites in part

selecting according to bid amount a variable number of identified search listings for display to the searcher, the number of selected identified search listings being a function of the bid amounts for the identified search listings; (emphasis added)

Neither Buck nor Ryu discloses this limitation. Neither reference contains any suggestions that it be modified to include such a limitation. Accordingly, independent claim 13 is in condition for allowance.

Independent Claim 14

Independent claim 14 has been amended to distinguish the invention defined by this claim over the cited references. As amended, claim 14 recites "based on other search listings associated with the search term of the search listing, automatically determining a new bid amount for the search listing ... and automatically updating the stored search listing with the new bid amount."

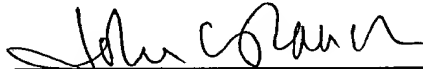
Buck fails to disclose this automatic operation. Buck discloses at column 7, lines 16-28, that the subscriber may log in and update his account manually. However, the invention of amended claim 14 calls for automatic updates based on a new desired rank, including automatically determining a new bid amount and automatically updating the search listing. This invention provides substantial user convenience for advertisers managing search listings on a search system.

Since claim 14 as amended includes limitations nowhere shown, described or suggested by the prior art of record, including Buck, claim 14 is in condition for allowance. Claims 15-17 are dependent from claim 14 and add further limitations thereto. Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 14-17 is respectfully requested.

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With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John G. Rauch", is written over a horizontal line.

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